

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

KIRBY INLAND MARINE, LP §
§
Plaintiff, §
§
v. § C.A. NO. 3:19-CV-00207
§
FPG SHIPHOLDING PANAMA 47 S.A., §
K LINE ENERGY SHIP §
MANAGEMENT, and the §
VLGC GENESIS RIVER, *in rem* §

IN THE MATTER OF KIRBY INLAND § Rule 9(h) Admiralty
MARINE, LP, in a cause of exoneration §
from or limitation of liability §

Consolidated with

IN THE MATTER OF THE §
COMPLAINT OF FPG §
SHIPHOLDING PANAMA 47 S.A. §
SHIP NO. 183 CO. LTD., ET AL, in a §
cause for exoneration from or §
limitation of liability §

SATISFACTION OF PAYMENT OF FINAL JUDGMENT

WHEREAS, on the 9th day of September, 2021, in the United States District Court for the Southern District of Texas, Galveston Division, in a consolidated cause styled *Kirby Inland Marine, LP vs. FPG Shipholding Panama 47 S.A., et al.*, Civil Action No. 3:19-cv-00207, a Final Judgment (Doc. 594) was signed by the Court and entered against Defendants, FPG Shipholding Panama 47 S.A., K Line Energy Ship Management Co. Ltd.,

Ship No. 138 Co. Ltd., Ship No. 139 Co. Ltd., Genesis River Shipping S.A., and VLGC GENESIS RIVER (“the Genesis River Interests”); and

WHEREAS, the Final Judgment provided that Kirby Inland Marine, LP (“Kirby”) shall recover from the Genesis River Interests the following amounts: (a) \$7,936,897 in collision damages, along with prejudgment interest accruing from May 10, 2019 until the date of judgment at the annual rate of 3.25% and postjudgment interest accruing at the rate provided by 28 U.S.C. § 1961 as of the date of the Final Judgment; (b) \$9,461,591 in spill response damages, along with interest accruing from July 29, 2019, until the date such amount is paid at the annual rate of 0.15%; and (c) \$2,102,115.22 in natural resources damages paid by Kirby pursuant to the consent decree entered in *United States v. Kirby Marine Inland*, C.A. No. 3:21-cv-00180, In the U.S. District Court for the Southern District of Texas, along with interest accruing from the date that Kirby pays the \$2,102,115.22 due under the consent decree until the date such amount is paid by the Genesis River Interests to Kirby, at the annual rate of 0.15%; and these amounts shall hereinafter collectively referred to as the “Payments to Kirby”; and

WHEREAS, the Final Judgment also provided that Kirby shall recover from the Genesis River Interests all taxable costs incurred by Kirby in this action; and these taxable costs shall hereinafter be referred to as the “Taxable Cost Payments to Kirby”; and

WHEREAS, the Final Judgment further provided that BW VLGC Limited, BW Gas AS, BW Fleet Management AS, and the VLGC BW OAK (“the BW Interests”) shall recover from the Genesis River Interests all taxable costs incurred in this action; and these

taxable costs shall hereinafter be referred to as the “Taxable Cost Payments to the BW Interests”; and

WHEREAS, the Genesis River Interests have fully paid, satisfied, and in all things discharged the Payments to Kirby and the Taxable Cost Payments to Kirby as ordered by the Final Judgment, and Kirby acknowledges receipt of the Payments to Kirby and the Taxable Cost Payments to Kirby from the Genesis River Interests; and

WHEREAS, the Genesis River Interests have fully paid, satisfied, and in all things discharged the Taxable Cost Payments to the BW Interests, and the BW Interests acknowledge receipt of the Taxable Cost Payments to the BW Interests from the Genesis River Interests:

ACCORDINGLY, Kirby and the BW Interests consent and agree to the filing of this Satisfaction of Payment of Final Judgment with the Court.

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